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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1966

No. 321

W. E. McCULLOCH, Auditor
of Polk County, Iowa, et al
State of Iowa
Petitioners,
vs.
ELIZABETH KRUIDENIER, et al
Respondents.

SUPPLEMENT TO PETITION FOR CERTIORARI

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This Supplement to the Petition for Certiorari in the above entitled case is filed solely for the purpose of correcting an inaccurate statement contained in said Petition and including the correct state constitutional amendments, which were previously filed as Appendix D to the original petition.

STATEMENT OF CASE

On page nine of the Petition, the following language appears: "In 1961 the first apportionment of the State of Iowa in the Twentieth Century occurred and was limited by the amendments of 1904 and 1928 to the constitution."

This statement is inaccurate in that in the years 1941 and 1953 the Senate was reapportioned in a limited degree. The apportionment plans therein were unsubstantial, and no effort was made to reapportion on an equal population basis.

APPENDIX D

The state constitutional provisions which appeared in the original Petition were erroneous in that they did not reflect the Amendments of 1904 and 1928. The correct provisions are here set forth:

> "Senators -- number -- method of apportionment. SECTION 34. The Senate shall be composed of fifty members to be elected from the several senatorial districts, established by law and at the next session of the general assembly held following the taking of the state and national census, they shall be apportioned among the several counties or districts of the state, according to population as shown by the last preceding census, but no county shall be entitled to more than one (1) senator.
>
> "Representatives -- number -- apportionment. SECTION 35. The House of Representatives shall consist of not more than one hundred and eight members. The Ratio of representation shall be determined by dividing the whole number of the population of the state as shown by the last preceding state or national census,

by the whole number of counties then existing or organized, but each county shall constitute one representative district and be entitled to one representative, but each county having a population in excess of the ratio number, as herein provided of three fifths or more of such ratio number shall be entitled to one additional representative, but said addition shall extend only to the nine counties having the greatest population.

"Ratio of representation. SECTION 36. The General Assembly shall, at the first regular session held following the adoption of this amendment, and at each succeeding regular session held next after the taking of such census, fix the ratio of representation, and apportion the additional representatives, as herein before required."

Respectfully submitted,

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